

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

JAMES PRICE,

Plaintiff,

Case No. 3:16-cv-355

vs.

SMEDLEY'S CHEVROLET,

Defendant.

District Judge Walter H. Rice  
Magistrate Judge Michael J. Newman

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**ORDER AND ENTRY DENYING DEFENDANT'S MOTION TO COMPEL WITHOUT  
PREJUDICE TO REFILE (DOC. 18)**

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This civil case is before the Court on Defendant's motion to compel and request for sanctions. Doc. 18. Plaintiff filed a memorandum in opposition. Doc. 21. On September 27, 2017, the Court held a hearing by telephone, during which the undersigned heard argument from counsel for both parties. The Court has carefully considered counsel's written and oral arguments, and Defendant's motion is now ripe.

In light of Plaintiff's counsel's agreement to provide supplemental discovery responses forthwith, Defendant's motion to compel (doc. 18) is **DENIED WITHOUT PREJUDICE** as moot. Plaintiff shall provide supplemental discovery responses to Defendant on or before **October 17, 2017**. Failure to provide complete responses to Defendant's discovery requests may result in sanction including the dismissal of this case for failure to prosecute.

This case is set for a telephone status conference on **October 20, 2017 at 10:30 a.m.** Counsel shall call: 1-888-278-0296, enter access code 2725365, security code 123456, and wait for the Court to join the conference.

**IT IS SO ORDERED.**

Date: September 30, 2017

s/ Michael J. Newman  
Michael J. Newman  
United States Magistrate Judge